

**ORDINANCE NO. 1413**

**AN ORDINANCE OF THE CITY OF RUSTON, ESTABLISHING VEHICLE WEIGHT LIMITATIONS ON CERTAIN CITY STREETS, AMENDING SECTIONS 16.07.010, 16.07.020 AND 16.07.030 OF THE RUSTON MUNICIPAL CODE TO ADD DEFINITIONS OF “COMMERCIAL MOTOR VEHICLE” AND “HAZARDOUS MATERIALS,” TO ADD 50<sup>th</sup> STREET; HIGHLAND STREET, SHIRLEY STREET AND BENNETT STREET AND THE BALTIMORE STREET BRIDGE TO THE STREETS WHERE HEAVY COMMERCIAL VEHICLES MAY NOT OPERATE UNLESS EXEMPT, AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, certain streets within the City limits have been damaged by heavy truck traffic; and

WHEREAS, there are alternate routes for heavy truck traffic on streets that can better handle the load; and

WHEREAS, RCW 46.44.080 permits the City to restrict certain types of trucks or vehicles from using certain streets within the City; and

WHEREAS, in order to ensure that Ruston’s streets remain in good repair, the City Council finds it in the City’s best interest to restrict heavy trucks from use of the following streets in a manner consistent with State law: Winnifred Street – between 49<sup>th</sup> Street and 54<sup>th</sup> Street; Baltimore Street – between 49<sup>th</sup> Street and Ruston Way; 49<sup>th</sup> Street – between Pearl Street and Baltimore Street; 50<sup>th</sup> Street – between Pearl Street and Winnifred Street; 52<sup>nd</sup> Street – between Pearl Street and Bennett Street; 53<sup>rd</sup> Street – between Pearl Street and Bennett Street; 54<sup>th</sup> Street – between Pearl Street and Bennett Street; Highland Street – between 51<sup>st</sup> Street and 54<sup>th</sup> Street; Shirley Street – between 51<sup>st</sup> Street and 54<sup>th</sup> Street; and Bennett Street – between 51<sup>st</sup> Street and 52<sup>nd</sup> Street; and

WHEREAS, in order to ensure that Ruston's Baltimore Street bridge remains in good repair, the City Council finds it in the City's best interest to restrict trucks over 7,000 pounds empty weight from using the Baltimore Street bridge in a manner consistent with State law:

WHEREAS, the intent of this Ordinance is to protect Ruston's streets and the Baltimore Street bridge from damage by heavy trucks; and

WHEREAS, on February 5, 2013, the City Council adopted Ordinance #1394 to update Chapter 16.07 of the Ruston Municipal Code ("RMC") to restrict large trucks on certain streets in the City; and

WHEREAS, as part of implementing Ordinance #1394, the City Engineer and City Police Chief each recommended additional revisions to Chapter 16.07 RMC to both ease the understanding of the rules by the traveling public and for ease of enforceability by the Ruston Police Department; and

WHEREAS, on July 16, 2013, the City Council held the first reading of this Ordinance; and

WHEREAS, on August 6, 2013, the City Council adopted this Ordinance during its regular meeting at the second reading; NOW, THEREFORE

**THE CITY COUNCIL OF THE CITY OF RUSTON DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** Section 16.07.010 of the Ruston Municipal Code is hereby modified to read as follows:

**16.07.010 Definitions.**

As used in this chapter, the following terms shall have the following meanings:

A. "Motor truck" means any motor vehicle ~~designated~~ designed or used for the transportation of commodities, merchandise, produce, freight or animals, ~~except that~~

~~pickup trucks, campers, motor homes, recreational vehicles and vehicles licensed for 12,000 pounds gross, or less, shall not be considered motor trucks for the purposes of this chapter.~~

~~B. "Oversized vehicle" means any motor vehicle exceeding the outside width limit of eight and one-half feet as set forth in RCW 46.44.010.~~

B. "Commercial motor vehicle" means a motor vehicle, motor truck, or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle or motor truck:

1. Has a gross vehicle weight rating of 11,794 kilograms or more (26,001 pounds or more) inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds or more); or

2. Has a gross vehicle weight rating of 11,794 kilograms or more (26,001 pounds or more);

3. Is designed to transport sixteen or more passengers, including the driver;

4. Is a school bus, regardless of weight or size; or

5. Is of any size and is used in the transportation of hazardous materials as defined in this section.

C. "Hazardous Materials" means any material that has been designated as hazardous under 49 U.S.C. Sec. 5103 and is required to be placarded under subpart F of 49 C.F.R. Part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. Part 73.

**Section 2.** Section 16.07.020 of the Ruston Municipal Code is hereby amended to read as follows:

**16.07.020 Weight limits on Winnifred Street, Baltimore Street, 49<sup>th</sup> Street, 50<sup>th</sup> Street, 52<sup>nd</sup> Street, 53<sup>rd</sup> Street, and 54<sup>th</sup> Street, ~~Highland Street, Shirley Street and Bennett Street.~~**

A. No person shall operate a ~~motor truck or oversized~~ commercial motor vehicle of three or more axles which is more than 6,000 pounds unladen weight on any of the following streets in the City limits of Ruston unless specifically exempt under RMC 16.07.030:

1. Winnifred Street – between 49<sup>th</sup> Street and 54<sup>th</sup> Street;

2. Baltimore Street – between 49<sup>th</sup> Street and Commercial Street;

3. 49<sup>th</sup> Street – ~~between Orchard Street and Pearl Street~~ and Baltimore Street;

4. 50<sup>th</sup> Street – between Pearl Street and Winnifred Street;
5. 52<sup>nd</sup> Street– between Pearl Street and Bennett Street;
6. 53<sup>rd</sup> Street – between Pearl Street and Bennett Street; or
7. 54<sup>th</sup> Street – between Pearl Street and Bennett Street;
8. Highland Street – between 51st Street and 54th Street;
9. Shirley Street – between 51st Street and 54th Street; and
10. Bennett Street – between 51<sup>st</sup> Street and 52<sup>nd</sup> Street.

B. No person shall operate a motor truck or commercial motor vehicle which is more than 7,000 pounds empty weight on Baltimore Street between Commercial Street and Ruston Way.

**Section 3.** Section 16.07.030 of the Ruston Municipal Code is hereby amended to read as follows:

**16.07.030 Exemptions.**

A. The following vehicles shall be exempt from the prohibition in RMC 16.07.020(A):

A1. Emergency vehicles.

B2. School buses.

~~C3. Motor trucks and oversized Commercial motor vehicles may be operated on the prohibited street only when transporting perishable commodities and when alternate routes do not exist.~~

~~D4. Motor trucks and oversized Commercial motor vehicles may be operated on the prohibited street only when installing, repairing or maintaining a public utility that is accessed from the street in question and when alternate routes do not exist.~~

~~E5. Motor trucks and oversized Commercial motor vehicles may be operated on the prohibited street when making pickups or deliveries to businesses or residences that are accessed from the street in question only when alternate routes do not exist.~~

~~F6. Motor trucks and oversized Commercial motor vehicles may be operated on the prohibited street when servicing construction sites accessed from the street in question only when alternate routes do not exist.~~

G7. Garbage and recycling collection ~~motor trucks~~ commercial motor vehicles

may be operated on the prohibited street when providing services to premises accessed from the street in question.

B. Emergency vehicles shall be exempt from the prohibition in RMC 16.07.020(B).

C. Motor trucks and oversized commercial motor vehicles covered by this the exemptions in this section shall be limited their to use of the prohibited street only to use to the extent which is reasonably necessary to accomplish the exempt function that allows them to be exempt.

**Section 4. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 5. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**Section 6. Effective Date.** This Ordinance shall be effective five days after publication as provided by law.

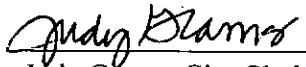
**Section 7. Enforcement of Ordinance – Erection of Signs.** The Mayor is directed to arrange for the preparation and erection of signs on the streets listed in Section 2 (RMC 16.07.020) which designates which streets, or portions of streets, are off-limits to commercial motor vehicles. This Ordinance shall not be effective or enforced until such time as these signs are installed.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 6th day of August, 2013.

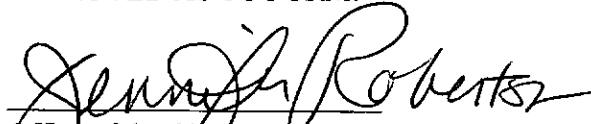
APPROVED by the Mayor this 6th day of August, 2013.

  
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Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Judy Grams, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Office of the City Attorney

FILED WITH THE CITY CLERK: \_\_\_\_\_  
PASSED BY THE CITY COUNCIL: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_  
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